

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 5:07 CR 409-03
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
RAMON OMAR GONZALES,)	<u>ORDER ACCEPTING PLEA</u>
)	<u>AGREEMENT, JUDGMENT AND</u>
)	<u>REFERRAL TO U. S. PROBATION</u>
Defendant)	<u>OFFICE</u>

This case is before the Court on a Report and Recommendation filed by United States Magistrate Judge Kenneth S. McHargh, regarding the change of plea hearing of Ramon Omar Gonzales, which was referred to the Magistrate Judge with the consent of the parties.

On November 15, 2007, the government filed a four-count Superseding Indictment, charging Defendant, Ramon Omar Gonzales, with conspiracy to possess and distribute at least five kilograms or more of cocaine in violation of Title 21 United States Code, Section 846; Possession with intent to distribute 5.9 kilograms of cocaine in violation of Title 21 United States Code, Section 841(a)(1)(b)(1)(A) and 18:2. Defendant Gonzales was arraigned on September 14 2009, and entered a plea of not guilty to counts 1s, 2s, 3s, and 41s before Magistrate Judge Kenneth S. McHargh. On March 10, 2010, Magistrate Judge Kenneth S.

McHargh, received Defendant Gonzales' plea of guilty to count 1 of the Superseding Indictment and issued a Report and Recommendation ("R&R") concerning whether the plea should be accepted and a finding of guilty entered.

Neither party submitted objections to the Magistrate Judge's R&R in the ten days after it was issued.

On de novo review of the record, the Magistrate Judge's R&R is adopted. Defendant Ramon Omar Gonzales is found to be competent to enter a plea and to understand his constitutional rights. He is aware of the charges and of the consequences of entering a plea. There is an adequate factual basis for the plea. The Court finds the plea was entered knowingly, intelligently, and voluntarily. The plea agreement is approved.

Therefore, Defendant Gonzales is adjudged guilty to Count 1 of the Superseding Indictment, in violation of Title 21 United States Code, Section 846. This matter was referred to the U. S. Probation Department for the completion of a pre-sentence investigation and report. Sentencing will be on May 12, 2010, at 10:00 a.m. in Courtroom 17-A, Carl B. Stokes United States Court House, 801 West Superior Avenue, Cleveland, Ohio.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
UNITED STATES DISTRICT JUDGE

March 30, 2010